



29 MAR 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mark DiPietro
Merchant & Gould, P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

In re Application of	:	
BOSSARD, et al.	:	DECISION ON RENEWED
Serial No.: 10/560,191	:	
PCT No.: PCT/GB04/01683	:	PETITION UNDER
Int. Filing Date: 19 April 2004	:	
Priority Date: 06 June 2003	:	37 CFR 1.47(a)
Atty Docket No.: 15261.0003USWO	:	
For: DEVICE AND METHOD FOR REMOVING	:	
A COMPOSITION FROM THE SKIN	:	

This decision is in response to the applicant's renewed petition under 37 C.F.R. § 1.47(a) filed 23 February 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 30 November 2006, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration and informed that extensions of time were permitted pursuant to 37 CFR 1.136(a).

On 23 February 2006, applicant filed the present renewed petition under 37 CFR 1.47(a). As authorized, the \$120.00 one-month extension of time fee will be charged to deposit account 13-2725. The present response is considered timely filed.

DISCUSSION

I. Renewed Petition Under 37 CFR 1.47(a)

As applicant has located the legal representative to the estate of Andrew Robert McLeish and she has executed a combined declaration and power of attorney, the renewed petition under 37 CFR 1.47(a) is dismissed as moot.

The filing of the declaration executed by Ms. Barbara Jenman as legal representative to the estate of Andrew Robert McLeish is being considered as a request for status under 37 CFR 1.42. No petition fee is required.

II. Request For Status Under 37 CFR 1.42

37 CFR 1.42 When the Inventor is Dead, states, in part:

“In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.”

The filed declaration is executed by Barbara Jenman on behalf of deceased joint inventor Andrew Robert McLeish. However the declaration is not in compliance with 37 CFR 1.497 (a)-(b) in that the declaration only sets forth the residence, citizenship and post office address for Andrew Robert McLeish. In order to comply with 37 CFR 1.497(b), this information must be provided for both the deceased inventor and the legal representative.

CONCLUSION

For the reasons stated above, applicant's renewed petition under 37 CFR 1.47(a) is **DISMISSED as moot.**

The petition under 37 CFR 1.42 is **DISMISSED.**

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.42." Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459